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TRANSMITTAL FORM

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Total Number Of Pages In This Submission

67 + 145
REFS

Application Number

09/802,685

Filing Date

March 9, 2001

First Named Inventor

Gary VAN NEST

Group Art Unit

1632

Examiner Name

J. Woltach

Attorney Docket No.

377882001600

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ENCLOSURES (check all that apply)

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1. Form PTO-1449 plus 6 copies (Total 63 pages)
2. One-hundred forty-five (145) References
3. Return Receipt Postcard.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm
or

Morrison & Foerster LLP, 755 Page Mill Rd, Palo Alto, CA 94304-1018

Individual Name

Karen R. Zachow, Reg. No. 46,332

Signature

Karen R. Zachow

Date

November 14, 2001

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on November 14, 2001.

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PATENT
Docket No. 377882001600

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Hazel M. Raskowitz
Hazel M. Raskowitz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gary VAN NEST and Joseph J. EIDEN, Jr.

Serial No.: 09/802,685

Filing Date: March 09, 2001

For: METHODS OF PREVENTING AND
TREATING VIRAL INFECTIONS
USING IMMUNOMODULATORY
POLYNUCLEOTIDE SEQUENCES

Examiner: J. Woitach

Group Art Unit: 1632

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INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of * is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **377882001600**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 14, 2001

Respectfully submitted,

By: Karen R. Zachow
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Registration No. 46,332

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